

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

EUGENE O'MALLEY	:	JURY TRIAL DEMANDED
Plaintiff	:	
	:	
vs.	:	
	:	CASE NO.: 3:17-cv-01419-RDM
SUNDANCE VACATIONS, INC.	:	
Defendant	:	

STIPULATED MOTION FOR CORRECTION OF DEFENDANT

Plaintiff Eugene O'Malley and defendant Dowd Marketing, Inc., through their undersigned counsel, respectfully move this Court for an Order correcting the named defendant in this matter. In support of this motion, the parties stipulate and state as follows:

1. Plaintiff initiated this action on August 11, 2017 by filing a Complaint naming Sundance Vacations, Inc. as the defendant. (Doc. 1).
2. Defendant Sundance Vacations, Inc. acknowledged on April 30, 2018 in its Rule 7.1 filing that plaintiff's former employer, and the proper defendant in this matter, is Dowd Marketing, Inc. (Doc. 36).
3. Plaintiff's claims against Dowd Marketing, Inc. arise out of the same conduct and occurrences.
4. Dowd Marketing, Inc. received notice of this action at the time it was initiated, and will not be prejudiced in defending on the merits.
5. Dowd Marketing, Inc. knew that this action would have been brought against it, but for a mistake as to the defendant's identity.

WHEREFORE, pursuant to the foregoing stipulation, the parties respectfully request that this Honorable Court grant an order substituting Dowd Marketing, Inc. as defendant in this case in place of the original named defendant.

Dated: 06/11/2018

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